

¹⁸/~~23~~ (New) The honeycomb panel of claim ~~22~~¹⁷, wherein said first strip comprises a second longitudinal edge including a second extended portion, wherein said second strip comprises a first longitudinal edge including a first extended portion, and further wherein said respective extended portions of said first and second strips are adjoined to said second carrier strip.

¹⁹/~~24~~ (New) The honeycomb panel of claim ~~22~~¹⁷, wherein said first strip comprises a second longitudinal edge including a second extended portion, wherein said second strip comprises a first longitudinal edge including a first extended portion, and wherein said second extended portion of said first strip is adjoined to said third strip, and further wherein said first extended portion of said second strip is adjoined to said fourth strip.

AI cont ²⁰/~~25~~ (New) The honeycomb panel of any one of claims ~~19-24~~¹⁴⁻¹⁹, wherein said first foldable and creasable material is different from at least one of said third foldable and creasable material and said fourth foldable and creasable material.

²¹/~~26~~ (New) The honeycomb panel of claim ~~25~~²⁰, wherein said first, second, third, and fourth strips of material are selected from the group consisting of polymer film, metallized fabric, nonwoven fabric, woven fabric, and knit fabric.

²²/~~27~~ (New) The honeycomb panel of claim ~~26~~²¹, wherein said first and second carrier strips are selected from the group consisting of a thermo plastic film and a polyurethane film.

REMARKS

The Applicant respectfully requests that the Examiner consider the following remarks in conjunction with the foregoing amendments.

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Election/Restriction

The Applicant confirms that it has provisionally elected to initially prosecute claims 1-9. The amendment above recognizes that claims 10-14 have been withdrawn from further consideration. The Applicant made this provisional election without traverse.

Rejections Under 35 U.S.C. § 102(b) and § 103(a)

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Anderson (U.S. Patent No. 4,685,986). According to the Examiner, "Anderson '986 teaches an expandable collapsible honeycomb structure formed from two continuous length of materials wherein the materials are connected together by separate strip material disposed between the adjacent cells and extending longitudinal of the cells. The strip material can be used to connect the two piece of material together in spaced relationship or non-spaced relationship to form a tubular cell structure."

The Examiner next rejects claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over Anderson '986. The Examiner first reasserts that Anderson teaches an expandable collapsible honeycomb structure formed from two continuous lengths of material wherein the lengths of material are connected together by a separate strip of material disposed between the adjacent cells. The Examiner then states that the only remaining difference in the claims concerns the relative width and/or length of the carrier strip, and that to vary the length and/or width of the carrier strip would have been an obvious matter of design choice to one of ordinary skill in the art. The Applicant respectfully disagrees with these rejections for at least the following reasons.

In the Applicant's invention as claim in independent claim 1, an expandable and contractible honeycomb panel in made from "a plurality of precursor tubular cells." Precursor tubular cells are first formed, and then a plurality of them are joined to form the honeycomb panel. This is in contrast to the '986 panel, which is made from two sheets 2, 3 of material that are joined , in one embodiment, by strips 13 — the '986 patent does not disclose any precursor tubular cells at all. Thus, the '986 patent cannot disclose the claimed panel made from a plurality of precursor tubular cells.

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In the Applicant's claimed invention, the front or back of the panel may comprise a variety of different materials. For example, the material used for the front and back of each cell may be different, or the material used for the exterior side of one cell may be different from the material used for the same exterior side of an adjacent cell. Each cell could be made from material that is different from the material of an adjacent cell. This is not the case with the '986 patent where continuous sheets are joined and thus one whole side of the resulting panel is always made from the same material since it is a single continuous sheet. When one side of the panel can comprise a variety of different materials, as is the case with the Applicant's claimed invention, this allows for patterned blinds, different levels of opacity, different levels of stiffness, varying levels of sound absorption, and the like, as well as cost benefits that may not be realized with the honeycomb structure of the '986 patent. This important feature is required by the Applicant's claim language requiring that the panel comprise a plurality of precursor tubular cells, each precursor tubular cell comprising a first strip of material, a second strip of material, and a carrier strip joining the first and second strips. These limitations are neither disclosed nor suggested by the '986 disclosure.

As for dependent claim 2, it is an important feature of the Applicant's claimed invention whether the longitudinal edges of the first and second strips of material are touching (compare claim 1 to claim 2). In claim 1, these longitudinal edges need not touch, whereas claim 2 requires that they do touch. Whether a longitudinal edge of the first strip touches a longitudinal edge of the second strips determines what portion of two adjoined precursor tubular cells are attached to each other. For example, when the longitudinal edges of the strips are not touching (see, e.g., Figs. 1D and 2D), the precursor tubular cells may be joined by glueing the carrier strip of one precursor tubular cell to the carrier strip of the next adjacent precursor tubular cell. When the first and second strips of material are touching, the carrier strip from one precursor tubular cell may or may not be attached to the carrier of the next adjacent precursor tubular cell (compare, for example, Figs. 3E and 4D). Since the '986 patent does not disclose the claimed first and second strips, it clearly cannot and does not disclose strips having longitudinal edges that are touching. The '986 patent, therefore, does not disclose or render obvious claim 2.

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As for claim 3-7, the Applicant does not understand what the Examiner considers to be the claimed first strip of material, second strip of material, and carrier strip. Further, the Applicant does not understand what the Examiner considers to be the widths of these strips. For example, looking at claim 3 of the instant application, it requires that the width of the carrier strip be "wider than the combination" of the widths of the first and second strips. When the width of the carrier strip (i.e., the "third width") is wider than the combined widths of the first and second strips of material (i.e., the first and second widths, respectively), the carrier strip effectively lines the inside surface of each precursor tubular cell (see, e.g., Figs. 1D and 3E). When this occurs, depending upon the characteristics of the material from which the carrier strip is made, the carrier strip may provide blackout or antifray properties. The Applicant respectfully submits that the '986 patent fails to disclose or render obvious such an embodiment.

As for claims 8 and 9, the Applicant submits that these claims are allowable at least as depending from allowable base claim 1.

For the reasons discussed above, the Applicant respectfully submits that the '986 patent cannot anticipate nor render obvious the Applicant's claimed invention. Thus, the Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of claims 1-9 under § 102(b) and § 103(a) based upon the '986 patent.

IDS Filed 1 May 1998

The Applicant noted that the Examiner did not sign off on one of the references (U.S. Pat. No. 5,482,750) cited in the 1 May 1998 IDS. If the Examiner has questions about that reference, please let the undersigned know.

New Claims 15-27

The Applicant has added new claims 15-27, which he believes are allowable in view of the known prior art.

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Conclusion

With the above amendments and remarks, the Applicant earnestly believes that he has addressed each of the Examiner's rejections and respectfully requests a notice of allowance of each of pending claims 1-9 and 15-27.

A request for a one-month extension of time is enclosed herewith.

Signed at Denver, Colorado, this 14th day of February, 2000.

Respectfully submitted,



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